

**TOWN OF BENNETT, COLORADO  
BOARD OF TRUSTEES  
Regular Meeting  
August 25, 2020**

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**1. CALL TO ORDER**

The Board of Trustees of the Town of Bennett met in regular session on Tuesday, August 25, 2020 virtually via Zoom Link. Mayor Royce Pindell called the meeting to order at 7:01 p.m. The following persons were present upon the call of the roll:

Mayor: Royce Pindell

Trustees Present: Darwin Harrell - *excused*  
Whitney Oakley  
Rich Pulliam  
Denice Smith  
Donna Sus

Staff Present: Trish Stiles, *Town Administrator*  
Rachel Summers, *Deputy Town Administrator*  
Taeler Houlberg, *Assistant to the Town Administrator*  
Danette Ruvalcaba, *Director of Finance and Technology*  
Alison Belcher, *Public Relations Coordinator*  
Sara Aragon, *Community Development Coordinator*  
Deb Merkle, *Community Development Manager*  
Lynette White, *Economic Development Coordinator*  
Dan Giroux, *Town Engineer*  
Daymon Johnson, *Public Works Director*  
Robin Price, *Assistant Public Works Director*  
Steve Hebert, *Planning and Economic Development Manager*  
Melinda Culley, *Kelly P.C., Town Attorney*

Public Present: Caleb Connor, Kathy Smiley

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Royce Pindell.

### 3. APPROVAL OF AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE OAKLEY SECONDED to approve the agenda presented. The voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion carried by unanimous vote.

### 4. CONSENT AGENDA

TRUSTEE PULLIAM MOVED, TRUSTEE OAKLEY SECONDED to approve the consent agenda as presented.

YES: Pindell, Pulliam, Smith, Sus, Oakley

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion carried by unanimous vote.

#### A. **Approval of Minutes**

Action: Approval of August 11, 2020 Regular Meeting Minutes.

### PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

### 5. REGULAR BUSINESS

#### A. Action/Discussion Items

##### 1. **Mandatory Water Restrictions**

#### **Resolution No. 841-20 – A Resolution Imposing Mandatory Water Restrictions**

Trish Stiles, Town Administrator reported to the Trustees two Town wells are currently out of commission. The two wells provide water to the residents of the Town of Bennett. Melinda Culley assisted Ms. Stiles to compose a mandatory watering restriction as an effect of the wells.

Per the Town of Bennett code by adoption of a resolution, mandatory watering restrictions can be implemented and be applied to all persons receiving water service from the Town water system.

Irrigation of landscaped areas, including residential and commercial lawns, gardens, parks, rights-of-way, and medians, with hose-end sprinklers or automatic irrigation systems shall be limited to the following:

- Mondays and Thursdays with even numbered street addresses.
- Tuesdays and Fridays for customers with odd numbered street addresses.

Irrigation of landscaped areas, by all customers, are prohibited between the hours of 10:00 a.m. and 6:00 p.m. on designated watering days. Watering shall not exceed four hours total. Hand

watering (i.e. watering while holding a hose in your hand) of landscaped areas is permitted on any days, except between the hours of 10:00 a.m. and 6:00 p.m.

Staff is recommending two weeks of watering restrictions to allow time to get the wells back up and running.

Citations will be issued by the Town of Bennett Code Enforcement Officer, pursuant to Bennett Municipal Code 13-3-440, if persons are found violating the restrictions by watering outside their designated days and times.

The Town will suspend their water use and use a watering truck to assist in watering the new landscaping recently installed.

A special permit application may be issued for daily watering for thirty days for new seed, or twenty-one days for new sod. The exceptions are limited to new landscaping, or those individuals or entities who may have common areas, grounds, or building service by a single sprinkler system.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to Approve Resolution No. 841-20 – A Resolution Imposing Mandatory Water Restrictions Limiting the Days and Hours of Outdoor Watering and Limiting the Use of Water within the Town of Bennett. They Mayor and Town Administrator may jointly extend the Water Restrictions for an Additional 14 Days from the Expiration Date or Cancel the Restrictions before the Water Restrictions Resolution Expires.

Voting was as follows:

YES: Pulliam, Smith, Sus, Oakley, Pindell

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion passed unanimously vote.

## **2. Tri Valley VFW Post #8449 Special Events Permit – Bennett Days**

Christina Hart, Town Clerk, reported to the Board of Trustees the Tri Valley VFW Post #8449 has submitted an application for a Special Events Permit for Saturday September 12, 2020 to operate a beer garden at the Tri-Valley Post #8449 located at 1115 Palmer Avenue.

A review of the application determined the application is complete and accurate and all required fees were submitted. No objections have been received by the Town Clerk's office.

TRUSTEE PULLIAM MOVED, TRUSTEE SMITH SECONDED, The Local Licensing Authority of the Town of Bennett adopt the written Findings and Decision prepared by the Clerk and approve the issuance of a Special Events Permit to the Tri Valley Post #8449 Veterans of Foreign Wars, 115 Palmer Avenue, for Saturday, September 12, 2020. Voting was as follows:

YES: Smith, Sus, Oakley, Pindell, Pulliam

NO: None

EXCUSED: Harrell

Mayor Royce Pindell declared the motion passed by unanimous vote.

## 6. TOWN STAFF REPORTS

### Town Administrator

Trish Stiles, Town Administrator provided the following report;

### Board Vacancy Application

Trish Stiles, Town Administrator, Trustee Pulliam and Trustee Sus received application information from other Colorado municipalities in reference to vacancies on their respective Town Board members, Commissions as well as Committees to use in local government.

This resulted in the Town Administrator and Trustee Pulliam and Trustee Sus crafting an application as a Google Form. The application can be completed electronically. It will be available on the Town of Bennett website.

Staff recommends approval of the application in Google form. The application includes information and qualifications about the position of Trustee. Each candidate will be required to perform a background check. The application also requires personal information i.e. education, prior work experience, training, technology experience, etc.

Applications that are received will be presented to the Board of Trustees.

Staff was provided direction by the Board of Trustees to move forward with the application to fill the vacant board seat.

### Kiowa Creek Property

Trish Stiles, Town Administrator, reported to the Trustees that the Town of Bennett received a letter from Adams County in regards to the property located Northeast of Old Victory Road. Town was awarded a grant, with partnership of Adams County, to acquire the open space area. The Kiowa Creek property revealed a number of issues and after consulting with the County Attorney's Office, Adams County has decided not to proceed with the acquisition.

- The oil and gas rights have been severed from the property. As written, any number of oil and gas facilities could be sited on the property, including wells, tanks, or pipelines, without the surface owner's consent.
- The sand and gravel rights have been severed. As written, the owner of these rights may access the property at any point to begin an operation to recover these resources, again without the surface owner's consent.
- The title report also notes the presence of right-of-way for a potential future parkway to cross this property.

Staff continues to review obtaining the property given the limitations. Staff will report to the Trustees regarding recommendation from Staff as well as direction from the Trustees.

### Transportation

Ms. Stiles also reported on a positive meeting with the Colorado Department of Transportation (CDOT).

- 10% of the signalization design at Marketplace Drive is complete.
- Exit 304 RFP is open and out to bid.

Trish Stiles, Town Administrator, reported that Taeler Houlberg, Assistant to the Town Administrator met with the landowner of the BRPOS pond project. Discussion regarding easements will continue between the Town and the landowner.

Staff enjoyed some time, for our Health and Wellness program, at BRPOS. Steve Hebert taught Staff about his birding hobby.

Adams County Economic Regional Partnership received 159 grant project applications were approved. Grant funding has been set aside for the Town of Bennett. A total amount of \$257,374.00 was awarded. \$717,626.00 of funds are still available in the grant. Small businesses are continued to encourage applying for funding.

Bennett Days / Board Involvement:

- Assist Staff with handing out "Grab and Go" bags located at Town Hall
- Judge for costume contest at Centennial Park
- Elected Officials and First Responders Parade; beginning at 3:00 p.m.

Bennett Days will highlight the Town's Trail system. QR Code stations will be along the trail system. The QR Codes will be used for awarding prizes to the residents. The winners will be randomly selected on September 14.

Ms. Stiles expressed her gratitude to the Board of Trustees and Staff for the Town of Bennett Proclamation presented to her for her achievement of receiving a Credentialed Manager designation from ICMA, the International City/County Management Association.

## **7. TRUSTEE COMMENTS AND COMMITTEE REPORTS**

### **Royce Pindell**

Mayor Royce Pindell reported on the following:

- Bennett Days fireworks have been postponed, due to dry conditions. A new date is yet to be determined.
- Thanked Staff for their continued hard work keeping the Town looking manicured in spite of the dry conditions.
- Adams County is concerned about unemployment numbers.
- Arapahoe County provided COVID updates from Tri-County Health

### **Rich Pulliam**

Trustee Pulliam reported on the following;

- The water committee continues to meet weekly.

Mayor Pindell called for a recess at 8:04 p.m. The meeting resumed at 8:09 p.m.

## **8. EXECUTIVE SESSION**

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Comfort Inn, Public Improvement Reimbursement.

For determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Muegge Farms Filing 4, Public Improvement Incentive.

TRUSTEE PULLIAM MOVED, TRUSTEE SUS to go into executive session for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators under C.R.S. 24-6-402(4)(e); Muegge Farms Filing 4, Public Improvement Incentive. The voting was as follows:

YES: Harrell, Oakley, Pindell, Pulliam, Smith, Sus

NO: None

The Mayor declared the motion carried by unanimous vote. The Board went into executive session at 8:16 p.m.

The Board came out of executive session at 8:32 p.m. The Mayor announced that the Board had been in executive session and the following persons participated virtually in that session: Trish Stiles, Rachel Summers, Melinda Culley, Trustee Sus, Trustee Oakley, Trustee Pulliam, Taeler Houlberg, Trustee Smith, Mayor Royce Pindell, and Christina Hart. The Mayor asked if there were any matters not included in the motion for an executive session or violations of the Open Meetings Law, and if so, that these concerns be stated for the record. No concerns were presented.

The Board of Trustees resumed the open meeting at 8:04 p.m.

## **9. REPORT FROM EXECUTIVE SESSION**

Town Staff received direction from the Board of Trustees for further negotiations related to the Muegge Farms Public Improvement Incentive Agreement and the Comfort Inn Public Improvement Reimbursement. Further action will be taking on the item related to the Muegge Farms Public Incentive Agreement on the next action item.

## **10. REGULAR BUSINESS**

### **A. Action/Discussion**

- 1. Ordinance No. 715-20 – An Ordinance authorizing the Town of Bennett, Colorado to Enter Into a Sales and Use Tax Sharing Agreement with Muegge Farms Metropolitan District No.**
- 2.**

TRUSTEE PULLIAM MOVED, TRUSTEE SUS SECONDED to approve Ordinance 715-20 – An Ordinance No. 715-20 An Ordinance Authorizing the Town of Bennett, Colorado to Enter Into a Sales and Use Tax Sharing Agreement with Muegge Farms Metropolitan District No. 2 Modifying Section 1.02 of the Proposed Agreements Regarding Use Tax Revenues Which will be Limited to 25%. Voting was as follows:

YES: Oakley, Pindell, Pulliam, Smith, Sus

NO: None

EXCUSED: Harrell

The Mayor declared the motion carried by unanimous vote.

11. ADJOURNMENT

TRUSTEE SUS MOVED, TRUSTEE PULLIAM SECONDED to adjourn the meeting. The meeting was adjourned at 9:35 p.m. Voting was as follows:

YES: Pindell, Pulliam, Smith, Sus, Oakley

NO: None

EXCUSED: Harrell

The Mayor declared the motion carried by unanimous vote.



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Royce D. Pindell, Mayor



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Christina Hart  
Town Clerk